



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
UNITED STATES ARMY GARRISON - HESSEN
UNIT 20193, BOX 0001
APO AE 09165-0001

IMEU-HAN-ZA

NOV 7 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Command Policy Letter # CP 0-13 Excessive Noise Emanating From Electronic Devices in Privately Owned Vehicles

1. **References.**

- a. Army in Europe Regulation 600-1, Regulated Activities of Members of the U.S. Forces, Civilian Component, and Family Members, 13 July 1999
- b. Army Regulation 600-20, Army Command Policy, 13 May 2002
- c. Army in Europe Regulation 27-9, Misconduct by Civilians, 27 October 2003
- d. Army in Europe Regulation, 190-1, Registering and Operating Privately Owned Motor Vehicles in Germany, 9 March 2005
- e. Uniform Code of Military Justice, Article 92, Failure to Obey Order or Regulation.
- f. German Traffic Road Ordinance (StVO)
- g. Ordnungswidrigkeitengesetz (OWiG)

2. **Purpose.** To enhance the safety, security and quality of life on United States Army Garrison-Hessen (USAG-Hessen) installations by controlling excessive noise emanating from electronic devices in privately owned vehicles (POVs).

3. **Definitions:**

- a. Civilian means civilians who have a U.S. Forces certificate of license to drive in Germany, to include, but not limited to, U.S. Government employees, non-appropriated fund employees, AAFES employees, DoDEA employees, contractors and family members.
- b. Electronic device includes, but is not limited to a, digital or analog, radio, CD, DVD, tape deck and/or speaker(s).
- c. Excessive noise is:

1) Music, vibrations, or other sounds emanating from an electronic device in a POV with closed windows that can be heard ten (10) feet or more from the POV, or;

2) Music, vibrations, or other sounds emanating from an electronic device in a POV with open window(s) that can be heard fifty (50) feet or more from the POV.

d. POV means a privately owned vehicle that is registered and plated through the United States Army, Europe.

4. **Applicability.** This policy applies to all POVs on installations within the USAG-Hessen, to U.S. military members and civilians.

5. **Policy.** No POV shall emanate excessive noise, from an electronic device in a POV, on any installation within the USAG-Hessen.

6. **Enforcement.**

a. Military Police shall issue a DD Form 1408 when a POV is found to be emanating noise that violates this Policy. Copies of the DD Form 1408 shall be sent to the (1) USAG-Hessen Commander; (2) Tailored Garrison Commander, and; (3) the commander or supervisor of the U.S. Military member or civilian sponsor to whom the POV is registered.

(1) First incident: Commander or supervisor will counsel the owner of the POV that excessive noise will not be tolerated and that the POV may be barred if future incidents occur;

(2) Second incident: The owner of the POV has seven (7) calendar days from the date of the issuance of the DD Form 1408 to submit a response to the USAG-Hessen Commander or Tailored Garrison Commander. After seven calendar days, whether a response has been filed or not, the USAG-Hessen Commander or Tailored Garrison Commander may counsel the owner of the POV or issue an order barring the POV from one or all USAG-Hessen installations for a period up to thirty (30) days;

(3) Third incident: The owner of the POV has seven (7) calendar days from the date of the issuance of the DD Form 1408 to submit a response to the USAG-Hessen Commander or Tailored Garrison Commander. After seven calendar days, whether a response has been filed or not, the USAG-Hessen Commander or Tailored Garrison Commander may counsel the owner of POV or issue an order barring the POV from one or all USAG-Hessen installations for a period up to one hundred and eighty (180) days;

(4) Fourth incident: The owner of the POV has seven (7) calendar days from the date of the issuance of the DD Form 1408 to submit a response to the USAG-Hessen Commander or Tailored Garrison Commander. After seven calendar days, whether a response has been filed or not, the Hessen Garrison Commander or Tailored Garrison Commander may counsel the owner

IMEU-HAN-ZA

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of POV or issue an order barring the POV from one or all Hessen Garrison installations for up to three hundred and sixty-five (365) days.

An incident shall be considered a second, third or fourth incident if it occurs within one (1) year of the preceding incident.

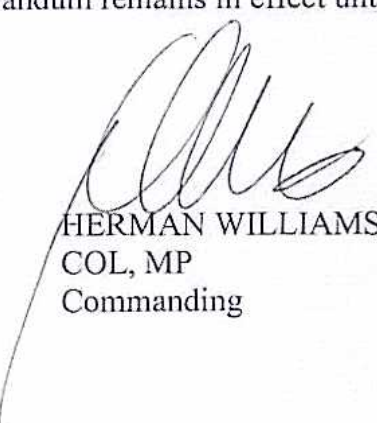
(6) When a POV has been barred, the Office of the Provost Marshall shall enter into the Installation Access Control System (IACS), under the name of the registered owner(s) of the POV, the fact that the POV has been barred, the plate number of the POV and the time period of the bar.

7. I hereby delegate to Tailored Garrison Commanders the authority to bar, from all installations within USAG-Hessen, POVs that have violated this Policy.

8. **Punitive Policy.** This is a punitive policy. A U.S. Military member found operating a barred POV in violation of this Policy is subject to UCMJ or other appropriate administrative action(s). A civilian found operating a barred POV, in violation of this Policy is subject to action under AER 27-9 by the appropriate Civilian Misconduct Action Authority.

9. Commanders and supervisors will ensure that all military personnel and civilians are advised on this policy.

10. **Expiration.** This policy memorandum remains in effect until superseded or rescinded.



HERMAN WILLIAMS III
COL, MP
Commanding

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